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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,432	08/07/2001	Mike Lee	22866-001B	9615

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EXAMINER

LE, THIEN MINH

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/943,432	<b>Applicant(s)</b> LEE ET AL.	
	<b>Examiner</b> Thien M. Le	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-36 is/are allowed.
- 6) ☒ Claim(s) 1-19 and 37-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
    If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a) ☐ All    b) ☐ Some \* c) ☐ None of:  
        1. ☐ Certified copies of the priority documents have been received.  
        2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
    \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
    a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The information disclosure statement filed on 4/16/2002 has been entered.

Claims 1-39 are presented for examination.

### ***Specification***

The abstract of the disclosure is objected to because it contains the use of legal phraseology term "means" in lines 3 and 9. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 37 recites the limitation "second identification of a coupon" in line 4. There is insufficient antecedent basis for this limitation in the claim since the phrase "first identification of a coupon" is not found in the body of the claim.

Similarly,

Claim 38 lacks a proper antecedent base for the phrase "second UPC code of a coupon" as recited in line 4.

Claim 39 lacks a proper antecedent base for the phrase "second identification for a coupon for credit" as recited in line 5.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humble et al. (herein Humble – 4,676,343; cited by applicant) in view of Persky et al. (herein Persky – 6,497,362) and Walter et al. (herein Walter – 5,992,570).

Regarding claim 1, Humble discloses a self-service distribution system comprising counters provided with transport belts or conveyors controlled by a central processor, weigh scales, optical devices, display screens (26) for prompting the customers with questions and instructions, and cash register for accepting and dispensing cash(46). In a preferred embodiment, Humble discloses a system for processing an article selected for purchase comprising (a) conveyor means for receipt and transport of such article; (b) means providing a security zone extending along at least a portion of said conveyor means; (c) sensing means at an inlet to said security zone, said sensing means comprising a first article characteristic sensing means and a second article presence sensing means, said first sensing means being positioned upstream of said second article sensing means with respect to the conveyor means, said sensing means generating output signals, each indicative of an entry through said inlet into said security zone; and (d) control means for selective movement of said conveyor means in article acceptance and article rejection senses, said control means being operable for continuance of movement of said conveyor means in article acceptance sense upon occurrence of a first sensing means output signal and for moving said conveyor means in article rejection sense in response to occurrence of another of said first sensing means output signals.

Though Humble discloses the use of a cash register, he fails to specifically disclose a terminal comprising various payment accepting methods, a cash dispensing means, a UPC type scanner, a RAM, a CRT or LCD display, etc. However, the claimed limitations are not new. Existing self-checkout systems include

the use of these limitations. In light of the teachings of the prior art of record, it would have been obvious to modify Humble's teachings to include the use of various payment accepting methods, a cash dispensing means, a UPC type scanner, a RAM, a CRT or LCD display, etc. The modifications are well within the skill levels and expectations of an ordinary skilled artisan. Reference to Persky and Walter are provided as evidence showing the conventionality of the payment accepting methods and cash dispensing unit in a self-checkout system.

Specifically, Persky discloses a method and apparatus for wireless assistance for self-service checkout. According to Persky, the system includes printing modules, magnetic swipe reading devices, cash acceptance devices (bill readers and coin acceptors), and cash dispensing devices. In figure 1, Persky shows a self-checkout lane 2 for the wireless assisted self-checkout system. According to Persky, each lane includes a counter 4, a universal product code reader 6, a display screen 8 for interactive customer communication, payment mechanism 9, including credit card reader 10, cash acceptor 12 and cash dispenser 14 mechanisms, an entry conveyor 16, an out-feed conveyor 18, a bagging area 20, a tunnel 22, and a receipt unit. The system further comprises an input means including a touch sensitive screen, a keyboard, a number pad, a UPC scanner and the RF transceiver; a random access memory (RAM); and a read-only memory (ROM).

Walter, in addition, discloses a self-service checkout apparatus comprising comprising a payment acceptor which includes a card reader for enabling a customer to make payment by means of a debit card or credit card. The system further

comprises a signature pad for providing a digitized representation of a customer's signature, said digitized representation being stored by said electronic controller in a memory.

Regarding claims 2-19, see the discussions regarding claim 1.

### ***Allowable Subject Matter***

Claims 20-36 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to disclose the claimed security tag deactivation apparatus for a self-checkout system comprising:

a first zone;

a second zone;

and having the functions and characteristics as recited in claim 20.

The prior art also fails to disclose the limitations of claims 29, and 34-36.

Claims 37-39 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien M. Le whose telephone number is (703) 305-

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3500. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5841 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Le, Thien Minh  
Primary Examiner  
Art Unit 2876  
March 28, 2003